

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RUDOLPH W. GRIFFIN,

Petitioner,

-against-

A. TITUS, Superintendent, Orleans
Correctional Facility,

Respondent.

1:24-CV-5687 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated January 2, 2025, the Court granted Petitioner 60 days' leave to show cause by declaration why the Court should not deny his petition for a writ of *habeas corpus*, construed as brought under 28 U.S.C. § 2254, as time-barred. That order specified that failure to comply would result in denial of the petition as time-barred. Petitioner has not filed a declaration in response to that order. Accordingly, the Court denies the petition as time-barred.

Because the petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253. The Court certifies, under 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue). The Court directs the Clerk of Court to enter a judgment dismissing this action for the reason set forth above and denying a certificate of appealability.

SO ORDERED.

Dated: April 18, 2025
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge